

**CITY COUNCIL MEETING
CITY OF WATERTOWN
May 2, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City Staff Present: Kurt Hauk, Jim Mills, Jayme St. Croix, Ken Mix, Elliot Nelson, Gene Hayes, Gary Pilon

The City Manager presented the following reports to Council:

1. Reappointment to the Transportation Commission – Michelle L. Appleby
2. Reappointment to the Transportation Commission – Owen Virkler
3. Approving Agreed-Upon Procedures with Poulsen & Podvin, P.C. in Relation to the Parks and Recreation Department.
4. Approving Contract for Hydroelectric Operations and Maintenance Services, Upstate Testing and Control Services
5. Approving Agreement for Professional Land Surveying Services, Storino Geomatics
6. Accepting Bid for Western Outfall Sewer Rehabilitation Project, Lash Contracting, Inc.
7. Readopting 2010-11 Sewer Fund Budget, City of Watertown, New York
8. An Ordinance Authorizing the Issuance of \$580,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Relining a Portion of the City's Western Outfall Trunk Sewer, In and For Said City
9. Amending City Municipal Code § 293, Vehicles and Traffic
10. 7:30 p.m Resolution Approving the Special Use Permit Request Submitted by James Kroeger to allow a Tattoo Shop located at 1317 State Street, Parcel number 5-01-201.000
11. Upcoming Debt Issue
12. Samaritan Senior Village, Water Service
13. Watertown Sports Ventures Inc., Contract Renewal Request
14. Jefferson County Board of Elections Letter of April 26, 2011 on Polling Locations
15. R. P. Flower Memorial Library Board of Trustees Meeting Minutes, February 8, 2011
16. R.P. Flower Memorial Library Board of Trustees Meeting Minutes, March 8, 2011
17. Executive Session to discuss the employment history of particular individuals.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 21, 2011, was dispensed and accepted as written by motion of Council Member Smith seconded by Council Member Butler and carried with all voting in favor thereof.

COMMUNICATIONS

From Patrick Grutter, 152 Breen Avenue, supporting the no parking on the margins ordinance and urging Council not to allow waivers in various neighborhoods.

ABOVE PLACED ON FILE

Petition for assessment review was received from Stateway Plaza Shopping Center.

ABOVE PLACED ON FILE

Petition containing approximately 16 signatures was received urging Council to allow parking in the margins on Thompson Boulevard.

PRIVILEGE OF THE FLOOR

Krum Z. Sotirov, 1002 Superior St., addressed the chair concerning his sidewalks and stated that he doesn't feel it is right that the property owner should have to pay to have the sidewalks replaced. He stated that he has seen the City Charter section that refers to it and feels that the charter, being 62 years old, needs to be updated. He stated that he feels that sidewalks are public property and should be paid for by the City. He also remarked that the reason the City's population hasn't grown is because of the unfriendly policies. He stated that there is minimal pedestrian traffic in his area and he does his best to maintain his sidewalks. Mr. Sotirov asked who pays for a sidewalk in front of a grave yard.

Mayor Graham responded that this is part of the City Charter and in terms of the City Code, it is the responsibility of the property owner to maintain the sidewalk. This property is part of the sidewalk program whereby the City picks up a large amount of the costs incurred. Mayor Graham stated that the City Code is very clear and other people are also required to repair their walks.

Mrs. Corriveau advised that Mr. Sotirov was sent a notice of the public hearing that was held concerning the sidewalk program. She explained that under this program, the City takes out the loan and the property owners pay it back to the City over a ten year period. She advised that the City pays about 50-51% of the cost.

Mayor Graham asked if the City Engineer had met with Mr. Sotirov to look at the sidewalk.

Mr. Sotirov answered that they had not.

Mayor Graham stated that the City Engineer would meet with him and go over the squares with him.

Mr. Sotirov stated that he is not objecting to the repairs, just having to pay for it.

Dale Stehlin, 312 Pratt St., addressed the chair concerning the prefab restroom that was placed at the JB Wise project. He stated that he was appalled that the building came from Nevada. He stated that there is local labor – union and non-union as well as materials that could have been purchased locally. He submitted a list of questions for Council to answer and stated that he would return in two weeks to hear what the answers are.

Dr. Chebolu Venhat, 325 Thompson Blvd., addressed the chair stating that he had submitted the petition this evening for the margin parking waiver on Thompson Blvd. He urged Council to support the waiver as there hasn't been an accident there in over 50 years and there are no City trees planted there.

Raymonda Deskowitz, 1214 Bronson St., addressed the chair also asking for a waiver for her property. She explained that she has had recent surgery and needs to park in the front of her property because her driveway has a slant and she is afraid of falling. She stated that she has the front area already paved. She submitted photos to the Council. (Not on file in the Office of the City Clerk).

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING REGARDING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY JAMES KROEGER TO ALLOW A TATTOO SHOP LOCATED AT 1317 STATE STREET, PARCEL NUMBER 5-01-201.000.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Warren Allen, 1404 State St. addressed the chair reading from a prepared statement. Mr. Allen remarked that he would hope that Council would not allow this business to be open later than 8 p.m. five days a week. He stated that while some tattoo owners are leaders in a community, his sister tells him that a lot of tattoo owners are members of the Hell's Angels. He remarked that the Council wouldn't allow an adult book store next to a school and this tattoo business is only two blocks from a synagogue and one block from a school. He stated that while he is not opposed to the business, he is opposed to the location.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 7:33 P.M.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2014:

Michelle L. Appleby
1620 Huntington Street, #U2
Watertown, NY 13601

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

RESOLVED that the following individual is reappointed to the Transportation Commission for a three-year term, such term expiring on April 1, 2014:

Owen Virkler
420 Newman Drive
Watertown, NY 13601

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

Council asked that a resolution be prepared for the next Council meeting appointing Sam Purington to the Transportation Commission.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Council has decided it wishes to have the Parks and Recreation Department audited due to recent billing and accounts receivable issues, and

WHEREAS the City Council decided it would be best to have the City's current independent auditors, Poulsen & Podvin, P.C., perform the agreed-upon procedures,

WHEREAS members of City Council and City Staff proposed possible agreed-upon procedures that they wanted Poulsen & Podvin, P.C. to consider undertaking, and

WHEREAS Poulsen and Podvin, P.C. reviewed City Council's and Staff's suggestions and have submitted the attached list of agreed-upon procedures for City Council consideration,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watertown that the attached agreed-upon procedures are acceptable and are to be performed by Poulsen & Podvin, P.C. in relation the Parks and Recreation Department, and

***Jeffrey E. Graham, Mayor**

BE IT FURTHER RESOLVED that City Council authorizes ~~Mary Corriveau, City Manager~~ to sign the attached engagement letter.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED AS AMENDED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Smith asked if questions dealing with number of phone calls, staffing levels, requests for more help and requests for overtime would be addressed in the audit.

Mrs. Corriveau remarked that these items are not part of the agreed upon procedures. However, there are issues relative to accounting that we want the auditors to look at. The other issues will be looked at by Mr. Mills, Mr. Hayes, Mr. St. Croix and Mrs. Corriveau.

Council Member Smith remarked that if someone is on medical leave, it is a staffing issue.

Ms. Podvin addressed the chair explaining that when they do a walk-through, they will have questions and staffing questions will be included.

Mayor Graham remarked that Council doesn't want the audit to be an inquisition, but rather just an effort to make the process better.

Ms. Podvin explained that they will look at the internal controls and financials and then make recommendations.

Council Member Smith asked if the auditors would be doing information on calls and staff filling in.

Ms. Podvin advised that management could do that.

Mayor Graham questioned if we are setting up mechanisms for collections consistent with what is done elsewhere.

Council Member Burns referred to the second page of the Poulsen & Podvin letter which indicated: "for designating an individual with suitable skill, knowledge, and/or experience to oversee the agreed-upon procedures engagement we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them."

Mrs. Corriveau advised that Mr. Mills, Mr. Hayes and she will be the individuals because of the depth of looking at the departmental regulations. She stated that this audit is for a specific functional area within a department.

Council Member Burns questioned that at the end of day, three people could answer questions about this.

Mrs. Corriveau stated that this was correct.

Council Member Burns asked who the checks are made out to when Parks & Rec send out bills.

Mrs. Corriveau explained that the invoices/bills state to make the payment to City Comptroller.

Mr. Mills advised that checks are deposited by his office even if the check says City of Watertown or Parks & Rec. All payments come into his office and then are deposited by his office.

Council Member Butler asked Ms. Podvin how much she will be involved in the audit as she has another employee working on it as well.

Ms. Podvin explained that the fee is \$200 per hour and it will be a group effort which will probably take about one week to complete.

Council Member Butler asked if some method was going to be used to determine the number of children who participated in the tennis and golf programs.

Ms. Podvin advised that they would have the rosters listing the participants.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE RESOLUTION TO HAVE MAYOR JEFFREY E. GRAHAM SIGN THE ATTACHED LETTER OF AGREEMENT. MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Referring to the amendment, Council Member Butler remarked that there should be open communication between the auditors, Council Members, Mr. Hayes, Mr. Mills and Mrs. Corriveau.

Council Member Smith asked if contracts would be part of the audit process and who knows if the bills go out or not.

Mayor Graham remarked that in the past, concession contracts have been 10% and it is not the scope of this audit to analyze gross sales.

Ms. Podvin explained that usually, this type of thing would be in the contract and would require the concession people to have an audit done which would be submitted to the City.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City owns the Watertown Hydroelectric Plant and associated dam and intake, (hereinafter referred to as the "PLANT"), on the Black River in the City of Watertown, State of New York with Unit Nos. 1-3 therein being so arranged that the electricity generated

therein is delivered to the electric sub-transmission system of Niagara Mohawk Power Corporation with which it is physically connected, and

WHEREAS on June 6, 2005, the City Council of the City of Watertown approved a two-year Contract for Hydroelectric Operations and Maintenance Services with Upstate Testing and Control Services, and

WHEREAS under the terms of that Agreement the City has the right to renew, in its sole discretion, for three (3) two-year options,

WHEREAS on May 5, 2007, the City Council approved the first of the two-year options and on June 15, 2009, the City Council approved the second of the two-year options which expires on June 30, 2011, and

WHEREAS Upstate Testing and Control Services has satisfactorily performed under the terms of this contract with the City of Watertown, and

WHEREAS Upstate Testing and Control Services is willing to continue to provide operation and maintenance services in accordance with requirements of the RFP response submitted by Mercer Management, Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Operation and Maintenance Services at the City's hydroelectric facility, between the City of Watertown and Upstate Testing and Control Services, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS in the course of business the City of Watertown routinely has a need for land surveying services, and

WHEREAS the City does not have a licensed land surveyor on its staff to perform routine survey work as the need arises, and

WHEREAS surveying services are professional services within the meaning of the New York General Municipal Law, and

WHEREAS Storino Geomatics has offered to perform routine surveying services for the City in connection with assigned projects at specified rate for identified services on a non-exclusive basis,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Land Surveying Services, between the City of Watertown and Storino Geomatics, 179 Conger Avenue, Watertown NY, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M Corriveau is hereby authorized and directed to execute said agreement on behalf of the City of Watertown.

SECONDED BY MAYOR JEFFREY E. GRAHAM AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Butler asked about the fee schedule on the last page of the report.

Mr. Hauk advised that there was only a slight increase and the fees changed by only a couple of dollars.

Council Member Butler asked if other firms showed an interest.

Mr. Hauk advised that one firm said no. Others that are interested can come to Engineering and let them know. There can be multiple ones used.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS the City Purchasing Department has advertised and received sealed bids for the rehabilitation of the Western Outfall Trunk Sewer utilizing the cured-in-place-pipe method, and

WHEREAS invitations to bid were issued to (15) prospective bidders with five (5) bids received and publicly opened and read in the City Purchasing Department on Tuesday, April 5, 2011, at 11:00 a.m., and

WHEREAS City Purchasing Agent Robert J. Cleaver and City Engineer Kurt W. Hauk reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Lash Contracting, Inc. of Latham, New York, in the amount of \$575,305.00 as the lowest qualifying bid meeting the City's specifications, and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid for the rehabilitation of the Western Outfall Trunk Sewer utilizing the

cured-in-place-pipe method in the amount of \$575,305.00 submitted by Lash Contracting, Inc. as the lowest qualifying bidder meeting City specifications, and

BE IT FURTHER RESOLVED that acceptance of this bid is subject to City Council approval of an amendment to the Sewer Fund budget. ~~and a bond ordinance to support this project.~~

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED AS AMENDED WITH ALL VOTING YEA

Discussion was held concerning why reference to bonding was put in the resolution.

Attorney Slye advised that this was added because a prior Council had agreed to a project but had no money to pay for it.

Mr. Mills explained that the first figure in the accompanying bond ordinance is stating the total amount of the project. The bond ordinance is being recommended as a stop-gap measure if needed to pay for cost overruns. He also advised that Council can amend the bonding figure amount if they wish.

Mayor Graham remarked that if we are concerned about the money, why not leave the sewer rates where they are and don't drop them as proposed in the budget.

Mrs. Corriveau explained that Council is amending the 2010-11 budget, not next year's budget.

Council Member Smith asked what the sewer fund balance was.

As of June 11th, it was approximately \$1.2 million. However, the City has an outside hauler that has had a significant impact on the sewer fund. If that hauler were to stop, it would mean a major drop in the revenue.

Council Member Butler asked if the work on this would commence in early June.

Mr. Hauk explained that it will take about two to three weeks for the water to go down once the rain quits.

MOTION TO AMEND BY DELETING "AND A BOND ORDINANCE TO SUPPORT THIS PROJECT" WAS MADE BY MAYOR GRAHAM, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS on June 7, 2010 the City Council passed a resolution adopting the Budget for Fiscal Year 2010-11, of which \$4,330,851 was appropriated for the Sewer Fund, and

WHEREAS on May 2, 2011 City Council was presented with a resolution to accept the bid submitted by Lash Contracting, Inc. in the amount of \$575,305 for the lining of the Western Outfall Trunk Sewer from Wealtha Avenue to the wastewater treatment plant diversion structure which is to be financed through the use of current funds, and

WHEREAS Fiscal Year 2010-11 Sewer Fund revenues are performing above the Fiscal Year 2010-11 adopted budget expectations, and

WHEREAS staff is recommending utilizing the increased revenues to avoid the issuance of debt and buy down the Sewer Fund capital projects such as the J.B. Wise sanitary sewer, Riggs Avenue sanitary sewer and additional Breen Avenue sanitary sewer costs, and

WHEREAS on the Fiscal Year 2010-11 Sewer Fund Budget adopted June 7, 2010 does not include an adequate appropriation to the transfer to the capital fund line item (G9950.0900) to fund these transfers, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Sewer Fund Budget for Fiscal Year 2010-11 in the total amount of \$ 5,045,851, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that in the re-adopted Sewer Fund Budget, the following accounts be increased by the amounts as follows:

Revenues

G2122 Sewer Charges	\$ 365,000
G2370 Sewer Rents – Governments	\$ 280,000
G5031 Inter-fund Transfers	<u>\$ 70,000</u>
Total	\$ 715,000

Expenditures

G9950.0900 Transfers to Capital	<u>\$ 715,000</u>
Total	\$ 715,000

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY JAMES KROEGER TO ALLOW A TATTOO SHOP LOCATED AT 1317 STATE STREET, PARCEL NUMBER 5-01-201.000 WAS PRESENTED TO

COUNCIL (Introduced on April 21, 2011; public hearing held this evening; appears in its entirety on page 85 of the 2011 Minutes Book).

Prior to the vote on the foregoing resolution, Council Member Butler remarked that he would have reservations about a tattoo parlor so close to his residence, especially if children were around. He referred to the application and asked if Mr. Kroeger was implying that other tattoo parlors in the City were less reputable.

Mr. Kroeger explained that he had worked in other places in the area, not in the City and there was a tendency to bump up prices because of the military. He stated that there are a lot of stereotypes that go with this business. However, he won't be opened past 8 pm and he doesn't tattoo anyone under the influence of anything. He stated he is a tattoo artist, not a bouncer.

Council Member Butler asked Attorney Slye if Council could enforce the time restrictions.

Attorney Slye stated that they could.

Council Member Butler remarked that with commercial and residential being so close together, if residents are calling Council on a regular basis, Council could refuse to re-issue the permit if one of the requirements was to only grant a permit for 2 years.

Council Member Smith asked if the special use permit went with the property or with the applicant.

Attorney Slye stated that it goes with the property and Council could condition this operator.

Mr. Mix explained that the permit goes with the property and another tattooist could continue. However, if the business ceases for even one day, the permit expires.

Council Member Macaluso asked if this wasn't the same problem with the property on W. Main.

Mr. Mix stated that it wasn't a change in ownership. However, Red & White Auto on Arsenal Street ceased operation and as soon as that happened, the permit ceased.

Mayor Graham asked Mr. Kroeger if his business was regulated by New York State.

Mr. Kroeger stated that it wasn't. However, they take courses and training through the American Red Cross.

Mayor Graham asked why they were only going to be open 5 days a week.

Mr. Kroeger stated that 5 days is enough as he has a family that he likes to spend time with also.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO AMEND THE TIME FRAME FOR THE PERMIT TO TWO YEARS. MOTION WAS SECONDED BY

COUNCIL MEMBER SMITH AND DEFEATED WITH ALL VOTING NAY EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING YEA

Council Member Macaluso stated that she doesn't feel a time frame is necessary.

Mayor Graham agreed with Council Member Macaluso stating that the last thing you want is the future of your business at the mercy of a legislative body. The permit has ample restrictions already.

Council Member Butler stated that absent of the amendment, he would vote against it.

Council Member Burns remarked that Council needs to look at this proposal alone. If there is an amendment, it puts the business owner in limbo and is unfair to Mr. Kroeger. She stated there may very well be different people on Council in two years.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBERS BUTLER AND SMITH VOTING NAY.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For paying the cost of relining a portion of the City's Western Outfall Trunk Sewer, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued ~~\$580,000~~ bonds of said City pursuant to the provisions of the Local Finance Law. ***\$116,000 and remainder to be paid from operating budget.**

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$580,000 and that the plan for the financing thereof is by the issuance of the ~~\$580,000~~ bonds of said City authorized to be issued pursuant to this bond ordinance. **\$116,000**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing

or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of this City Comptroller.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 12. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION TO AMEND TO \$116,000 BY COUNCIL MEMBER BUTLER, SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED AS AMENDED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

BE IT ORDAINED that Section 293-21 of the City Code of the City of Watertown is amended by adding the following schedule to appear below paragraph D:

Margin parking is permitted in the following areas:

Name of Street	Location
Thompson Boulevard	From Gotham Street to Hungerford Street

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

UNANIMOUS CONSENT MOVED BY COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Prior to the vote on the foregoing ordinance, Council Member Smith asked about the City encouraging residents to pave those areas on Thompson Blvd.

Council Member Macaluso explained that this was done in the 1950's.

Council Member Smith asked where we draw the line on exemptions. And questioned what made one area better than the other. He stated that the entire ordinance might be eliminated.

Council Member Macaluso suggested that it be looked at on a case by case basis. She explained that when Council Member Burns started this, it was because people were parking on the grass.

Mayor Graham commented that if residents want an exemption, Council should look at it.

Council Member Burns remarked that when she brought it up, it was mostly focusing on cars parking on the grass margin which could be a safety issue and is a quality of life issue. This parking is also hazardous to the many trees that have been planted in margins by the City. She commented that Thompson Blvd. is an exception as there are no trees or grass in the margins. She commented that if there is curbing or grass in the margin, people shouldn't be parking there.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Upcoming Debt Issue

Council reviewed the report.

Mrs. Corriveau advised that as you go down the list there are some changes with paybacks going down from 15 to 5 years.

Mayor Graham remarked that it is a good idea to shorten these terms and commented that the general fund debt obligation is down \$6.8 million which is a good thing. He questioned the money in the sidewalk special assessment districts and the fact that the City is boxed in by the laws that establish these districts.

Attorney Slye advised that this is because the City can't advance money for taxpayers.

Samaritan Senior Village, Water Service

Mrs. Corriveau explained that SMC is asking that the City allow the Town to wheel the water on the City's behalf.

Mayor Graham asked why SMC doesn't just buy it from the Town for this project.

Mrs. Corriveau responded that the Town would have to include it in their water district and the property is in the City. She stated that it just makes sense to do it in this situation. All the engineers have recommended it goes through the Town and it would benefit all three entities.

Council Member Smith stated that it seemed to him that we are creating a special circumstance to get the best deal for SMC. However, Mr. Donegan received no deal on Arsenal Street. He is a City taxpayer and the City didn't subsidize him. Council Member Smith stated that if the property is inside the City, they should go off the City's line. If they want to go through the Town of Watertown, they should pay outside user rates.

Mrs. Corriveau stated that the City can't provide them with sufficient flows.

Mayor Graham remarked that if the only source of water is through the Town district, then they should purchase it from the Town.

Council Member Butler asked about the infrastructure costs from the Town.

Mrs. Corriveau explained that the pipe is 2800' from Spring Valley Drive to the existing 8" main.

Mr. Pilon addressed the chair explaining the portion of Summit Woods inside the City is at a lower elevation than the SMC property and doesn't have a flow problem. If the SMC property comes off the Washington Street line, they would need a pump station to maintain the flow. He remarked that no one has looked at all the legalities in the agreements and what can be done.

Mayor Graham questioned that if the Town is going to provide water and we granted permission, why aren't we just selling the water to them. He asked if Mr. Pilon was aware of any other agreements such as this with other municipalities.

Attorney Slye advised that the City is currently contemplating one with the Town of Hounsfield.

Mr. Pilon remarked that he is worried about the correctional facility as in addition to them pumping, there is also other buildings pumping off the same system and to add another one, he is not sure how it will affect the system.

Mayor Graham asked if SMC contemplated this when they picked the site.

Mr. Pilon remarked that while he doesn't know, it is the worst possible place for it.

Mrs. Corriveau stated that SMC was told.

Mr. Pilon advised that the initial feasibility study talked about putting in a pump station.

Mayor Graham asked about the water coming from Thompson Park.

Mr. Pilon stated that it would be a long way and would be very expensive.

Mayor Graham asked if Wiley School had a pressure problem.

Mr. Pilon stated that they don't because they are far enough down.

Council Member Butler stated that he has questions and would like to get a better handle on this before making a decision.

Mrs. Corriveau asked if the site plan needed to state where the water was coming from.

Mr. Mix stated that it wouldn't be necessary at this time as it won't come before Council for final approval until June.

Mayor Graham asked if the sale of the property had been executed.

Mrs. Corriveau stated that it hadn't been as they have to come to an agreement on the trail.

Watertown Sports Ventures, Inc. Contract Renewal Request

Mayor Graham remarked that there has been lots of pending issues with this.

Council Member Burns stated that she is not prepared to move ahead with this tonight.

Council Member Smith concurred and stated that he has concerns about the concession portion of this.

Council Member Butler commented that he also has concerns about accountability for revenues as it seems to be a disproportionate amount to what the hockey figures are. He remarked that he also has another question concerning doubleheaders being charged as one game. He stated that perhaps they shouldn't be charged as two but should be charged more than just one.

Mayor Graham asked if a 90 day written notice had been received for renewal.

Mrs. Corriveau stated that it hadn't been.

Mrs. Corriveau was asked if baseball was actually occupying space now at the fairgrounds. She referred the question to Mr. St. Croix who stated that they were.

Council Member Burns commented that she didn't have enough time to study this and would like time to consult with other Council Members. She asked why Council was just getting this now. She stated that Council has a lot to get through now with the audit, the City Clerk position and the budget. She suggested doing the Clerk interviews at the next work session.

Mayor Graham commented that the audit will move ahead. He is concerned that Council moves ahead with the Clerk issue.

Council Member Butler stated that the fact of the matter is that baseball needs a contract before the first game in June. He stated that we owe it to the citizens to get this settled.

Council Member Burns commented that we owe it to every citizen in the City to concentrate on the budget.

Council Member Burns commented that former Council Member Simmons should have contacted the City sooner.

Council Member Smith remarked that it took over two months for the information to be compiled by City staff.

Council Member Macaluso commented that Mr. Simmons is asking for a one year contract. She suggested moving along with the field issue. She stated that Council can't sit here and be pompous about it and can't continue to put it off. The concession issue is separate and can be discussed later.

Council Member Burns remarked that she doesn't feel that Council has a good idea of what is going on. She told Council Member Macaluso not to accuse her of putting this off. She stated that we can't do business on assumptions. Mr. Simmons isn't even here this evening and she doesn't have a clear picture of what is going on with the concession.

Council Member Smith remarked that there are problems with the entire process and the contract was not followed. He remarked that he has concerns with the concessions as well.

Mayor Graham remarked that he has issues with other events and with billing.

Council Member Butler asked if they could run a concession without a contract.

Attorney Slye stated that they could not. However, in the past, the City has done a franchise agreement where the people bid it for one year.

Mrs. Corriveau advised that the type of concession with the Wizards has been there since 2001.

Mayor Graham remarked that if there were issues they were to give 90 days notice and at some point, we have to get serious about these contracts. He stated he is not sure that the City has done anything wrong.

Council Member Butler stated that we haven't. However, we need to take the high road on this. Council Member Smith remarked that he isn't prepared for an answer this evening.

Mayor Graham remarked that he has never been comfortable with the arrangements that have been going on and never accepted using someone else's license to sell alcohol as it is not consistent with his view of the law. However, he has no problem with Mr. Simmons using the fields.

It was agreed that Mrs. Corriveau and staff will draft language with limited concession rights for now.

Library Minutes

Council has these for review.

CAPC

CAPC has requested that Council visit their facility. It was agreed that members will visit individually as their schedule permits.

PSB Contract

Council Member Smith asked about this coming to an end soon.

Mrs. Corriveau advised that it doesn't end until 2015.

Prefab Restroom

Council Member Butler asked for a copy of Mr. Stehlin's questions and then be advised of the answers to them.

Mrs. Corriveau will get copies for all Council Members.

House at corner of Winslow/Hamlin

Council Member Smith asked who owned the house at this location. He stated that it is boarded up and doesn't look like they are rehabbing it.

Syracuse Symphony

Mrs. Corriveau advised that she and Mr. Walker had spoken with Mike Bull, percussionist with the former Syracuse Symphony which has been changed to the Symphony Syracuse. They still are interested in doing the concert in Thompson Park. Mr. Walker has stepped up and will lead the charge for funding the event. The City was never involved with fundraising for the concert or the fireworks. The event will take place on July 1st if they can raise the money.

Habitat for Humanity

Mrs. Corriveau reminded Council of the open house for Habitat at their newest home on Bradley Street. This will take place on May 21st.

Refuse Drop Off

Refuse drop off day is May 21st.

Armed Force Day Parade

This parade will be held on May 21st.

Budget Sessions

Members discussed the fact that they would like to start the sessions next week and would like to start at 6 pm. At this time, they agreed to meet in budget sessions on Monday, Tuesday and Wednesday, May 9th – 11th. (Following the executive session, Monday was set aside for Clerk interviews only and not for budget session).

EXECUTIVE SESSION

MOTION WAS MADE BY COUNCIL MEMBER MACALUSO TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF PARTICULAR INDIVIDUALS.

MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 9:28 p.m.

Council reconvened at 10:25 p.m.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:25 P.M. BY MOTION OF COUNCIL MEMBER BURNS, UNTIL MONDAY, MAY 9, 2011 AT 5:30 P.M. WHEN THEY WILL MOVE INTO EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF PARTICULAR INDIVIDUALS. MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Donna M. Dutton
City Clerk